

1 SEAN A. O'KEEFE – State Bar No. 122417
2 **OKEEFE & ASSOCIATES**
3 **LAW CORPORATION, P.C.**
4 26 Executive Park, Suite 250
5 Irvine, CA 92614
6 Telephone: (949) 334-4135
7 Fax: (949) 209-2625
8 Email: sokeefe@okeefelawcorporation.com
9 Counsel to Elliot B. Lander, defendant

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

GLENROY COACHELLA, LLC

Debtor.

Case No. 2:21-bk-11188-BB

Adv. No. 2:23-ap-01080-BB

Chapter 7

RICHARD A. MARSHACK, solely in his capacity as Chapter 7 Trustee for the bankruptcy estate of Glenroy Coachella, LLC,

ANSWER BY DEFENDANT ELLIOT B. LANDER TO COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff,

vs.

ASR DEVELOPMENT CO, a California corporation; DESERT MEDICAL PROPERTIES, INC., a California corporation; ABRAHAM STUART RUBIN, an individual; JOSEPH RUBIN, an individual; DR. ELLIOT B. LANDER, an individual; and GARY STIFFELMAN as trustee for the STIFFELMAN FAMILY TRUST,

Defendants.

The defendant, Elliot B. Lander (“Lander” or “Defendant”), hereby submits its answer to the Complaint filed by Richard Marshack, as Chapter 7 trustee in this adversary proceeding (the “Complaint”).

ANSWER

Answers to Allegations Re Statement Of Jurisdiction And Venue

6 1. Lander admits the allegations in paragraph 1 of the Complaint.

7 2. Lander admits the allegations in paragraph 2 of the Complaint.

8 3. Lander admits this Court has jurisdiction over the claims alleged in the Complaint

9 that are not subject Lander's jury trial right. Lander denies the Court has jurisdiction over any claims

10 subject to a jury trial.

11 4. Lander denies the allegations in paragraph 4 of the Complaint.

12 5. Lander admits the allegations in paragraph 5 of the Complaint.

13 6. Lander denies the allegations in paragraph 6 of the Complaint based upon a lack of

14 information or belief.

Answers To Allegations re Parties

16 7. Lander admits the allegations in paragraph 7 of the Complaint.

17 8. Lander denies the allegations in paragraph 8 of the Complaint based upon a lack of

18 information or belief.

19 9. Lander denies the allegations in paragraph 9 of the Complaint based upon a lack of

20 information or belief.

21 10. Lander admits the allegations in paragraph 10 of the Complaint.

22 11. Lander admits the allegations in paragraph 11 of the Complaint.

23 12. Lander denies the allegations in paragraph 12 of the Complaint based upon a lack of

24 information or belief.

Answers to General Allegations

26 13. Lander admits the allegations in paragraph 13 of the Complaint.

27 14. Lander admits the allegations in paragraph 14 of the Complaint.

1 15. Lander denies the allegations in paragraph 15 of the Complaint based upon a lack of
2 information or belief.

3 16. Lander denies the allegations in paragraph 16 of the Complaint based upon a lack of
4 information or belief.

5 17. Lander denies the allegations in paragraph 17 of the Complaint.

6 18. Lander denies the allegations in paragraph 18 of the Complaint.

7 19. Lander admits the allegations in paragraph 19 of the Complaint.

8 20. Lander denies the allegations in paragraph 20 of the Complaint.

9 21. Lander denies the allegations in paragraph 21 of the Complaint based upon a lack of
10 information or belief.

11 22. Lander denies the allegations in paragraph 22 of the Complaint based upon a lack of
12 information or belief.

13 23. Lander admits the allegations in paragraph 23 of the Complaint.

14 24. Lander denies the allegations in paragraph 24 of the Complaint based upon a lack of
15 information or belief.

16 25. Lander denies the allegations in paragraph 25 of the Complaint based upon a lack of
17 information or belief.

18 || 26. Lander denies the allegations in paragraph 26 of the Complaint.

19 27. Lander denies the allegations in paragraph 27 of the Complaint based upon a lack of
20 information or belief.

21 28. Lander denies the allegations in paragraph 28 of the Complaint based upon a lack of
22 information or belief.

23 29. Lander denies the allegations in paragraph 29 of the Complaint based upon a lack of
24 information or belief.

Answer to Allegations re First Claim for Relief

26 30. Lander repeats its prior answers to the re-alleged allegations in paragraph 30 of the
27 Complaint.

1 31. Lander denies the allegations in paragraph 31 of the Complaint based upon a lack of
2 information or belief.

3 32. Lander denies the allegations in paragraph 32 of the Complaint based upon a lack of
4 information or belief.

5 33. Lander denies the allegations in paragraph 33 of the Complaint.

6 34. Lander denies the allegations in paragraph 34 of the Complaint.

7 35. Lander denies the allegations in paragraph 35 of the Complaint.

8 36. Lander denies the allegations in paragraph 36 of the Complaint based upon a lack of
9 information or belief.

10 37. Lander denies the allegations in paragraph 37 of the Complaint based upon a lack of
11 information or belief.

12 38. Lander denies the allegations in paragraph 38 of the Complaint based upon a lack of
13 information or belief.

14 39. Lander denies the allegations in paragraph 39 of the Complaint.

15 || 40. Lander denies the allegations in paragraph 40 of the Complaint.

16 ||| 41. Lander denies the allegations in paragraph 41 of the Complaint.

Answer to Allegations re Second Claim For Relief

18 42. Lander repeats its prior answers to the re-alleged allegations in paragraph 42 of the
19 Complaint.

20 || 43. Lander denies the allegations in paragraph 43 of the Complaint.

21 ||| 44. Lander denies the allegations in paragraph 44 of the Complaint.

22 ||| 45. Lander denies the allegations in paragraph 45 of the Complaint.

23 ||| 46. Lander denies the allegations in paragraph 46 of the Complaint.

Answer to Allegations re Third Claim For Relief

25 47. Lander repeats its prior answers to the re-alleged allegations in paragraph 47 of the
26 Complaint.

27 ||| 48. Lander denies the allegations in paragraph 48 of the Complaint.

1 49. Lander denies the allegations in paragraph 49 of the Complaint.

2 **Answers to Allegations re Fourth Claim For Relief**

3 50. Lander repeats its prior answers to the re-alleged allegations in paragraph 50 of the
4 Complaint.

5 51. Lander denies the allegations in paragraph 51 of the Complaint.

6 52. Lander denies the allegations in paragraph 52 of the Complaint.

7 53. Lander denies the allegations in paragraph 53 of the Complaint.

8 54. Lander denies the allegations in paragraph 54 of the Complaint.

9 **Answer to Allegations Re Fifth Claim for Relief**

10 55. Lander repeats its prior answers to the re-alleged allegations in paragraph 55 of the
11 Complaint.

12 56. Lander denies the allegations in paragraph 56 of the Complaint.

13 **Prayers For Relief**

14 Lander prays that the Court deny any relief on the claims alleged in the Complaint and further
15 prays that the Court award Lander all fees and costs incurred in the defense of the same to the extent
16 such relief can be granted under law or equity.

17 **LANDER'S AFFIRMATIVE DEFENSES**

18 A. The claims alleged in the Complaint fail to state a claim upon which relief can be
19 granted.

20 B. The claims alleged in the Complaint are barred by laches.

21 C. The claims alleged in the Complaint are barred by unclean hands.

22 D. The claims alleged in the Complaint were waived and released.

23 E. The claims alleged in the Complaint are barred by estoppel.

24 F. The claims alleged in the Complaint are barred by the fact that reasonably
25 equivalent consideration was exchanged for the transfers made to DMP.

1 DATED: March 20, 2023

2 OKEEFE & ASSOCIATES
3 LAW CORPORATION, P.C.

4 /s/ Sean A. O'Keefe

5 By: _____

6 Sean A. O'Keefe, counsel
7 to Elliot B. Lander, defendant

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

REQUEST FOR A JURY TRIAL

The defendant, Dr. Elliot B. Lander, demands a jury trial on all issues triable by a jury in the above-entitled case.

DATED: March 20, 2023

**OKEEFE & ASSOCIATES
LAW CORPORATION, P.C.**

By: _____
Sean A. O'Keefe, counsel
to Dr. Elliot B. Lander

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 26 Executive Park, Suite 250, Irvine, CA 92614.

A true and correct copy of the foregoing document entitled: **ANSWER BY DEFENDANT Elliot B. LANDER TO COMPLAINT AND DEMAND FOR JURY TRIAL** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 20, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On March 20, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE

TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, March 20, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Sheri Bluebond
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1534
Los Angeles, CA 90012

☒ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/20/2023

Sean A. O'Keefe

/s/ Sean A. O'Keefe

Date _____

Printed Name

Signature

NEF LIST

- Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com
- Ryan D O'Dea rodea@shulmanbastian.com, lgauthier@shulmanbastian.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

MAILING LIST

Asr Development Co
1801 South La Cienega Blvd. Ste. 301
Los Angeles, Ca 90035

Abraham Stuart Rubin
c/o Evan L. Smith, Esq.
Messina & Hankin LLP
24910 Las Brisas Road, Suite 102
Murrieta, CA 92562

Joseph Rubin
715 N. Alpine Dr.
Beverly Hills, CA 90210